

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-60126-CR-LEIBOWITZ

UNITED STATES OF AMERICA

vs.

JANICE ELEANOR TURNER
and
KISEAN PAUL ANDERSON,
a/k/a Sean Kingston,

Defendants.

**UNITED STATES' NOTICE OF INTENT TO USE INEXTRICABLY
INTERTWINED EVIDENCE OR IN THE ALTERNATIVE, 404(B) EVIDENCE**

The United States of America, through its undersigned counsel, hereby gives notice to the Defendant of its intent to use inextricably intertwined evidence or in the alternative, pursuant to Federal Rule of Evidence 404(b), notifies the defendant of its intent to introduce evidence of the defendant's other crimes, wrongs and/or acts as proof of motive, opportunity, intent, preparation, plan, knowledge, or absence of mistake.

The substance of the inextricably intertwined evidence or in the alternative, 404(b) evidence, includes evidence that during the pendency of the charged conspiracy, Defendant Janice Turner solicited, possessed, and used altered and fraudulent Eyes Above Water LLC Bank of America bank statements that falsely represented the true and actual account balances and transaction amounts, (often by hundreds of thousands of dollars) as well as falsely included account owners who did not have possessory interests in the accounts. These fraudulent statements masked the true financial difficulty and precarious financial situation the Defendant's, their business, and their accounts were truly in, making it appear that they were fiscally solvent

and able to afford and purchase large high value items, when in in truth and fact, their accounts were often overdrawn or contained precariously low amounts of money.

In United States v. Metallo, 908 F.2d 795, 789 (11th Cir. 1990), the Eleventh Circuit specifically stated, “Courts have long held that evidence of financial difficulties is admissible in fraud prosecutions to demonstrate knowledge, motive, intent, design, and absence of mistake. *See also United States v. King*, 174 Fed.Appx. 467, 470, 2006 WL 826116 (11th Cir. 2006) (Rule 404(b) permits evidence of motive. ‘[E]vidence of financial difficulties is admissible in fraud prosecutions to demonstrate knowledge, motive, intent, design, and absence of mistake’); United States v. Reed, 700 F.2d 638, 643 (11th Cir. 1983) (Numerous courts have recognized that evidence of an imminent financial burden on the defendant is admissible for the purpose of proving motive); United States v. Whaley, 786 F.2d 1229, 1233 (4th Cir.1986); United States v. Pichnarcik, 427 F.2d 1290, 1291 (9th Cir.1970).

All documents relating to the above-mentioned acts have previously been turned over in discovery to defense counsel.

Respectfully submitted,

HAYDEN P. O’BYRNE
UNITED STATES ATTORNEY

By: /s/ Marc S. Anton
MARC S. ANTON
Assistant U.S. Attorney
Florida Bar No. 0148369
500 East Broward Blvd., Suite 700
Ft. Lauderdale, Florida 33394
Tel: (954) 660-5096
Fax: (954) 356-7230
Marc.anton@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 5, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

/s/ Marc S. Anton
Assistant U.S. Attorney